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Attorneys for Plaintiffs

JONATHAN WAYNE BOTTEN, SR.,

TANJA DUDEK-BOTTEN, ANNABELLE BOTTEN,

AND J.B.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN WAYNE BOTTEN, SR.;  
TANJA DUDEK-BOTTEN;  
ANNABELLE BOTTEN; and J.B., a  
minor, by and through his guardian  
JONATHAN WAYNE BOTTEN, SR.,

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY  
OF SAN BERNARDINO; ISAIAH  
KEE; MICHAEL BLACKWOOD;  
BERNARDO RUBALCAVA;  
ROBERT VACCARI; JAKE ADAMS;  
and DOES 1-10, inclusive,

Defendants.

Case No. 5:23-cv-00257-KK-SHK

[Consolidated for purposes of discovery  
with *Botten, et al. v. State of California,*  
*et al.*, Case No. 5:23-cv-00257-KK-  
SHK]

*Honorable Kenly Kiya Kato*  
*Mag. Judge Shashi H. Kewalramani*

**PLAINTIFFS' EX PARTE  
APPLICATION FOR LEAVE TO  
FILE A CONSOLIDATED  
OPPOSITION TO DEFENDANTS'  
MOTIONS FOR SUMMARY  
JUDGMENT, CURRENTLY DUE  
FEBRUARY 27, 2025, THAT  
EXCEEDS THE WORD COUNT  
LIMIT PURSUANT TO LOCAL  
RULE 11-6.1**

1 I, Hang D. Le, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California,  
3 and the Central District of California. I make this declaration in support of Plaintiffs'  
4 Ex Parte Application for Leave to File a Consolidated Opposition to Defendants'  
5 Motions for Summary Judgment, Currently Due February 27, 2025, that Exceeds the  
6 Word Count Limit Pursuant to Local Rule 11-6.1. I have personal knowledge of the  
7 facts contained herein and could testify competently thereto if called.

8 2. On February 18, 2025, I contacted Defendants State of California, by and  
9 through the California Highway Patrol, Michael Blackwood, Isaiah Kee, Bernardo  
10 Rubalcava's ("State Defendants") counsel and County of San Bernardino, Robert  
11 Vaccari, and Jake Adams' ("County Defendants") counsel in compliance with Local  
12 Rule 7-19 through 7-19.1. State Defendants and County Defendants' counsel are:

13 ROB BONTA, Attorney General of California  
14 CHRISTINE E. GARSKE, Supervising Deputy Attorney General  
15 DIANA ESQUIVEL, Deputy Attorney General  
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18 Sacramento, CA 94244-2550  
19 Facsimile: (916) 322-8288  
20 E-mail: Diana.Esquivel@doj.ca.gov

21 *Attorneys for Defendants State of California, by and through the California*  
22 *Highway Patrol, Blackwood, Kee, and Rubalcava*

23 Shannon L. Gustafson, Esq.  
24 Amy R. Margolies, Esq.  
25 LYNBERG & WATKINS  
26 1100 Town & Country Road, Ste. 1450  
27 Orange, CA 92868  
28 Fax: (714) 937-1003  
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*Attorneys for Defendant County of San Bernardino, Adams, and Vaccari*

1 State Defendants have indicated that they do not oppose Plaintiffs' Ex Parte  
2 Application. County Defendants have indicated that they intend to oppose this Ex  
3 Parte Application.

4 3. On February 18, 2025, I sent an email to County Defendants' counsel  
5 and State Defendants' counsel requesting a stipulation for leave to allow Plaintiffs to  
6 file a Consolidated Opposition with a word count limit of 14,000 words. County  
7 Defendants' counsel indicated that County Defendants would only be agreeable to a  
8 Consolidated Opposition of a word count limit of 10,000 words or a higher word  
9 count limit in exchange for a reciprocal increase to the word count limit for County  
10 Defendants' Reply. I replied, indicating that I could not foresee the Consolidated  
11 Opposition being under 10,000 words, given the many separate and distinct  
12 arguments made by County Defendants and State Defendants and thus proposed a  
13 compromise of 12,000 words for Plaintiffs' Consolidated Opposition. County  
14 Defendants' counsel replied and indicated that County Defendants would be willing  
15 to agree to a 12,000-word count limit for Plaintiffs' Consolidated Opposition only if  
16 Plaintiffs agreed to allow County Defendants a 10,000-word count limit for their  
17 Reply. Attached hereto as "**Exhibit 1**" is a true and correct copy of the email chain  
18 regarding Plaintiffs' meet and confer efforts and State Defendants' and County  
19 Defendants' positions.

20  
21 I declare under penalty of perjury under the laws of the State of California and the  
22 United States of America that the foregoing is true and correct. Executed this 20th day  
23 of January 2025, in Woodland Hills, California.

24  
25  
26 

27 Hang D. Le  
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